

EXHIBIT C

Barry Rothschild

From: Thomas D. Duquette
Sent: Thursday, July 21, 2022 4:16 PM
To: John T. Shaban; Barry Rothschild
Cc: Paul Muniz
Subject: RE: Third Party Subpoena Status - Berylson v. 1100 Architect, et al.

John,

We understand what you're saying, however, we feel three weeks unreasonable given the service date of the subpoena.

As we have advised you, we have a Monday deadline for discovery motions as the third-party document production. Please advise as to your availability for a Local Rule 7.1 Conference this afternoon or tomorrow so can figure out a way to resolve this.

Regards,
-Tom

Thomas D. Duquette, Jr., Esq.

Associate

Donovan Hatem, LLP

53 State Street | 8th Floor | Boston, MA | 02109

Tel (617) 406-4647 / Mobile (339) 933-5742

www.donovanhatem.com



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From: John T. Shaban <john@levinelevinelaw.com>
Sent: Thursday, July 21, 2022 3:21 PM
To: Barry Rothschild <brothschild@donovanhatem.com>
Cc: Paul Muniz <pmuniz@donovanhatem.com>; Thomas D. Duquette <tduquette@donovanhatem.com>
Subject: RE: Third Party Subpoena Status - Berylson v. 1100 Architect, et al.

Misspoke/dictated ...

Goal is a week or so to finish the first batch – which is the ~600 today and another ~1500 or so early next week

Goal is to be mostly done with the entire review in 3~4 weeks. Its a lot of documents and review

I understand depositions are now being scheduled in September.

From: John T. Shaban
Sent: Thursday, July 21, 2022 2:41 PM
To: Barry Rothschild <brothschild@donovanhatem.com>
Cc: Paul Muniz <pmuniz@donovanhatem.com>; Thomas D. Duquette <tduquette@donovanhatem.com>
Subject: RE: Third Party Subpoena Status - Berylson v. 1100 Architect, et al.

Sending appx 600 today to Barry's email ... will follow with appx 1500, review and compilation has been complex, and continues

If/when we get the bigger batch we may use an FTP. Goal is a week to or so to finish

From: Barry Rothschild [<mailto:brothschild@donovanhatem.com>]
Sent: Wednesday, July 20, 2022 7:03 PM
To: John T. Shaban <john@levinelevinelaw.com>
Cc: Paul Muniz <pmuniz@donovanhatem.com>; Thomas D. Duquette <tduquette@donovanhatem.com>
Subject: RE: Third Party Subpoena Status - Berylson v. 1100 Architect, et al.

John,

Thank you letting me know. Are you setting up an FTP site we can access for the documents or some other way? If FTP, you can send me the link and password and I will forward to our document vendor.

Suffice it to say, I am surprised to learn there are only 650 documents ready to go. For the remaining ~20,000, I need more information as to what you are saying. Can you please specify (1) the reason these need to be produced in batches and they are not all ready to be turned over now, (2) when we can expect the first batch, and (3) when Berkshire Wilton Partners' production will be completed.

Thank you,
Barry

Barry S. Rothschild
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53 State Street | 8th Floor | Boston, MA | 02109
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brothschild@donovanhatem.com



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From: John T. Shaban <john@levinelevinelaw.com>
Sent: Wednesday, July 20, 2022 6:26 PM
To: Barry Rothschild <brothschild@donovanhatem.com>
Subject: RE: Third Party Subpoena Status - Berylson v. 1100 Architect, et al.

Barry

Nice chatting with you today.

I have 650 documents ready to go. To whom should we send them?

We have another ~20K of documents that appear to be responsive, so my goal is to start sending them in batches soon. Same question, to whom should I send them?

From: Barry Rothschild [<mailto:brothschild@donovanhatem.com>]
Sent: Wednesday, July 20, 2022 4:08 PM
To: John T. Shaban <john@levinelevinelaw.com>
Subject: RE: Third Party Subpoena Status - Berylson v. 1100 Architect, et al.

John,

Thank you for the quick response. Are you available for a call?

-Barry

Barry S. Rothschild
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53 State Street | 8th Floor | Boston, MA | 02109
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From: John T. Shaban <john@levinelevinelaw.com>
Sent: Wednesday, July 20, 2022 4:04 PM
To: Barry Rothschild <brothschild@donovanhatem.com>
Cc: Thomas D. Duquette <tduquette@donovanhatem.com>; Paul Muniz <pmuniz@donovanhatem.com>
Subject: Re: Third Party Subpoena Status - Berylson v. 1100 Architect, et al.

Sorry I missed your call. Yeah I think we have a batch ready to go I'll confirm and try and get it out. And then start rolling out what I can when I can. It's been complicated. I understand there's more time now to work with?

On Jul 20, 2022, at 3:41 PM, Barry Rothschild <brothschild@donovanhatem.com> wrote:

John,

Just left you a voicemail regarding your client's document production. Please give me a call as soon as possible to meet & confer. If we do not have your production we will have to file a motion to compel on Monday. Obviously, that is not something we want to do, but the deadlines we are dealing with in this matter require that at this point.

Thank you,
Barry

Barry S. Rothschild

Donovan Hatem LLP
53 State Street | 8th Floor | Boston, MA | 02109
Tel (617) 406-4527 / Mobile (617) 259-4037
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From: John T. Shaban <john@levinelevinelaw.com>
Sent: Wednesday, July 13, 2022 11:23 AM
To: Barry Rothschild <brothschild@donovanhatem.com>; Thomas D. Duquette <tduquette@donovanhatem.com>
Cc: Paul Muniz <pmuniz@donovanhatem.com>
Subject: Third Party Subpoena Status - Berylson v. 1100 Architect, et al.

Got you message. Thx. Paul is away the first week of August, but we could work in most days/time between the 8th -27th.

I believe the parties and larger 3rd party group is trying to coordinate a schedule of sorts, and I suspect Paul's depo is an important one. Do you have anything sketched out yet?

Docs very soon.

From: Barry Rothschild [mailto:brothschild@donovanhatem.com]
Sent: Tuesday, July 12, 2022 3:51 PM
To: John T. Shaban <john@levinelevinelaw.com>; Thomas D. Duquette <tduquette@donovanhatem.com>
Cc: Paul Muniz <pmuniz@donovanhatem.com>
Subject: RE: Third Party Subpoena Status - Berylson v. 1100 Architect, et al.

John,

I hope all is well with you. I left you a voicemail earlier to let you know that the Court agreed to extend our discovery deadline, in part because we have not received all third-party documents. We are working with the Berylsons' attorneys on scheduling and are looking at August 3, 2022 for your client's deposition. I know the original date of July 29th is not available and you asked about later in August so if this does not work please let me know.

Also, we have been expecting your document production for some time now. I believe our prior discussions have met the Local Rule 7 requirements, but if not, please let me know when we can talk this week. I know you're doing your best to get documents to us, but if we don't have your clients production by next week I am afraid we will have to seek court intervention.

Thank you,
Barry

Barry S. Rothschild
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From: John T. Shaban <john@levinelevinelaw.com>

Sent: Friday, July 1, 2022 1:44 PM

To: Thomas D. Duquette <tduquette@donovanhatem.com>

Cc: Paul Muniz <pmuniz@donovanhatem.com>; Barry Rothschild <brothschild@donovanhatem.com>

Subject: Re: Third Party Subpoena Status - Berylson v. 1100 Architect, et al.

The 29th is a problem for me. I'm supposed to be out of town. Perhaps a little earlier in July or later into August? I will get black out dates

Also I expect to have a first round of documents early next week

On Jun 29, 2022, at 4:05 PM, Thomas D. Duquette <tduquette@donovanhatem.com> wrote:

John,

I wanted to follow up on the below email.

We are scheduling a call regarding deposition schedules with Plaintiffs' counsel, so in particular, I'm looking to confirm your client's availability for the deposition as noticed on July 29, 2022. If he is not available, please confirm his availability going forward, and any blackout dates he may have in August and September.

Regards,
-Tom

Thomas D. Duquette, Jr., Esq.

Associate

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From: Thomas D. Duquette

Sent: Tuesday, June 21, 2022 2:42 PM

To: John T. Shaban <john@levinelevinelaw.com>

Cc: Paul Muniz <pmuniz@donovanhatem.com>; Barry Rothschild

<brothschild@donovanhatem.com>

Subject: RE: Third Party Subpoena Status - Berylson v. 1100 Architect, et al.

John,

It was good speaking with you last week. I just wanted to confirm a few points of our discussion.

- As to a timeline of the document production, you indicated we should receive the first rolling production by the end of this week and everything produced by July 8th, 2022. You also indicated you would give a rough indication of the percentage produced v. the total at each batch of production.
- As to substance, if you are withholding anything, you are willing let us know what is being withheld and why, and if there's any in a grey area, to discuss the same with us.
- Lastly, as to the Deposition of your client, you agreed to accept service of a deposition notice/subpoena. Please confirm the same, see the attached, and please advise as to your client's availability.

Please let me know if you have any questions.

Regards,
-Tom

Thomas D. Duquette, Jr., Esq.

Associate

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From: John T. Shaban <john@levinelevinelaw.com>

Sent: Thursday, June 16, 2022 11:09 AM

To: Thomas D. Duquette <tduquette@donovanhatem.com>

Cc: Paul Muniz <pmuniz@donovanhatem.com>; Barry Rothschild
<brothschild@donovanhatem.com>

Subject: Re: Third Party Subpoena Status - Berylson v. 1100 Architect, et al.

Will do

On Jun 16, 2022, at 8:53 AM, Thomas D. Duquette

<tduquette@donovanhatem.com> wrote:

Okay. Why don't you call my cell phone around 1:00?

Thomas D. Duquette, Jr., Esq.

Associate

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From: John T. Shaban <john@levinelevinelaw.com>

Sent: Wednesday, June 15, 2022 5:45 PM

To: Thomas D. Duquette <tduquette@donovanhatem.com>

Cc: Paul Muniz <pmuniz@donovanhatem.com>; Barry Rothschild
<brothschild@donovanhatem.com>

Subject: Re: Third Party Subpoena Status - Berylson v. 1100 Architect, et al.

Good here

On Jun 15, 2022, at 3:19 PM, Thomas D. Duquette
<tduquette@donovanhatem.com> wrote:

John,

I can do Friday. Would early afternoon work?

Thomas D. Duquette, Jr., Esq.

Associate

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From: John T. Shaban <john@levinelevinelaw.com>

Sent: Tuesday, June 14, 2022 4:31 PM

To: Thomas D. Duquette

<tduquette@donovanhatem.com>

Cc: Paul Muniz <pmuniz@donovanhatem.com>; Barry
Rothschild <brothschild@donovanhatem.com>

Subject: Re: Third Party Subpoena Status - Berylson v.
1100 Architect, et al.

Friday could work

On Jun 14, 2022, at 3:06 PM, Thomas D. Duquette
<tduquette@donovanhatem.com>
wrote:

John,

Thank you for getting back to us on this. We are getting close to the Court's mandated discovery deadline and want to make sure we have everything in time for upcoming July depositions. Unfortunately, the Court has put us in a position where we may need to resort to motion practice if documents are not received soon. To that end, I would like to have a Rule 7 conference with you to discuss your client's production – in regard to both timing and substance.

Are you available tomorrow or Thursday?

Regards,
-Tom

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From: John T. Shaban
<john@levinelevinelaw.com>
Sent: Tuesday, June 14, 2022 2:10 PM
To: Thomas D. Duquette
<tduquette@donovanhatem.com>
Cc: Paul Muniz

<pmuniz@donovanhatem.com>; Barry
Rothschild
<brothschild@donovanhatem.com>
Subject: RE: Third Party Subpoena
Status - Berylson v. 1100 Architect, et
al.

Attorney Duquette,

My apologies, I thought I responded to
this email but don't see it in the chain.

We were delayed in getting our
documents gathered, but are well
under way and in the process of
reviewing same now. I hope to able to
start a rolling production in a week or
so.

Regards

From: Thomas D. Duquette
<tduquette@donovanhatem.com>
Sent: Tuesday, June 7, 2022 10:08 AM
To: John T. Shaban
<john@levinelevinelaw.com>
Cc: Paul Muniz
<pmuniz@donovanhatem.com>; Barry
Rothschild
<brothschild@donovanhatem.com>
Subject: RE: Third Party Subpoena
Status - Berylson v. 1100 Architect, et
al.

You don't often get email from tduquette@donovanhatem.com. [Learn why this is important](#)

I'm just following up on your client's
production. Any idea when we can
expect Berkshire's documents?

Regards,
-Tom

Thomas D. Duquette, Jr., Esq.
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From: John T. Shaban

<john@levinelevinelaw.com>

Sent: Tuesday, May 24, 2022 4:32 PM

To: Thomas D. Duquette

<tduquette@donovanhatem.com>

Cc: Paul Muniz

<pmuniz@donovanhatem.com>; Barry
Rothschild

<brothschild@donovanhatem.com>

Subject: RE: Third Party Subpoena
Status - Berylson v. 1100 Architect, et
al.

Sorry for delay, I just ended a
long trial.

We are compiling documents
and hope to be in a position to
start producing in appx two
weeks.

From: Thomas D. Duquette

[[mailto:tduquette@donovanhatem.co
m](mailto:tduquette@donovanhatem.com)]

Sent: Thursday, May 5, 2022 3:59 PM

To: John T. Shaban

<john@levinelevinelaw.com>

Cc: Paul Muniz

<pmuniz@donovanhatem.com>; Barry
Rothschild

<brothschild@donovanhatem.com>

Subject: RE: Third Party Subpoena
Status - Berylson v. 1100 Architect, et
al.

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I'm just following up regarding the document subpoena served on your client. Any idea when we can expect your client's document production?

If you have any questions or if there is anything we can do to assist, please let us know.

Regards,
-Tom

Thomas D. Duquette, Jr., Esq.
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From: Barry Rothschild
<brothschild@donovanhatem.com>
Sent: Wednesday, March 16, 2022 3:30 PM
To: john@levinelevinelaw.com
Cc: Paul Muniz
<pmuniz@donovanhatem.com>;
Thomas D. Duquette
<tduquette@donovanhatem.com>;
Christopher Redd
<credd@donovanhatem.com>
Subject: Third Party Subpoena Status -
Berylson v. 1100 Architect, et al.

John,

It was good speaking with you earlier and thank you for the update on Berkshire Wilton Partners' document production. I understand the production is in process and you anticipate some movement in the next two weeks. Please let me know if you have any questions or there is any way we can assist in the process.

Thank you,

Barry

Barry S. Rothschild

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